

REMARKS

In response to the Restriction Requirement dated May 13, 2005, Applicant hereby provisionally elects Invention I, which corresponds to claims 1-16 and 18-27 for continued prosecution with traverse. Further, Applicant cancels claim 17 and provisionally withdraws claims 28-37.

Examiner has required restriction between two inventions: (I) claims 1-16 and 18-27, drawn to an apparatus for unblocking a security device which has an unblocking service, a client, and a security agent in a computer network, classified in class 713, subclass 201, and (II) claims 17 and 28-37, drawn to an apparatus for unblocking a security device in which a password (UBC) is transferred between an unblocking service, a client, and a security agent in order to unblock a security device, classified in class 713, subclass 202.

Examiner reasoned that restriction was required because the inventions are distinct, based on the following reasons: Inventions I and II are related as combination and subcombination. The inventions are distinct if it can be shown that: (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations. (MPEP § 806.05(c)).

Restriction may be required if two or more independent and distinct inventions are claimed in one application. 35 U.S.C. § 121. The key words of the statute are *independent* and *distinct*. To establish that a combination and subcombination inventions are distinct, the examiner must first show that a combination does not require the particulars of a subcombination as claimed for patentability.

In this case, Examiner asserts that Invention I does not require the use of a password

(UBC) to unblock a security device and Invention I does not require that the client unblocks the security device. Furthermore, Examiner asserts that the subcombination has separate utility because it is used as an apparatus for unblocking a security device at a client site through the use of a password (UBC) transmitted across a network.

Applicant respectfully disagrees. Invention I includes claims 9-16 and 24-27, which all provide for an apparatus for unblocking a security device at a client site through the use of a password (UBC) transmitted across a network. Therefore, Invention I cannot be distinct from Invention II for the reason that Invention I does not require the particulars of the subcombination. As such, Invention II creates no further burden on the examiner because Invention I does require inclusion of a search for the subcombination.

Examiner further asserts there is a burden present due to the separate classification. Specifically the Examiner contends that the inventions allegedly have separate status in the art because a proper search of both inventions includes searching all systems in which unblocking of a security device is done at a client site, applicable to Invention II, and all systems in which unblocking of a security device is done at a security agent site, applicable to Invention I.

Again, Applicant respectfully disagrees. Applicant directs the Examiner to claims 2, 9, 19, and 24 listed by the Examiner as part of Invention I. Claims 2 and 19 recite, in part, that an apparatus wherein the security agent unblocks the security device from a remote location, while claim 9 and 24 recite, in part, that an apparatus wherein the client-side transfer agent uses the UBC to unblock the security device. Accordingly, Invention I supports both status in the art which Examiner asserts that necessitates the burden alleged in Invention II (*i.e.*, searching all systems that unblock a security device at both the client site

and the agent site).

For the reasons stated above, Applicant respectfully requests that the restriction requirement for claims 28-37 be withdrawn (Claim 17 has been cancelled, so the restriction requirement is now moot as to that claim), and each of the claims presently pending in this application be examined.

Applicant believes this reply to be fully responsive to all outstanding issues. If this belief is incorrect, or other issues arise, do not hesitate to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 09469/007001).

Respectfully submitted,



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